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7 Attorney for Plaintiff
8 MATTHEW HILL
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION
13

14 MATTHEW HILL,

15 Case No. 2:24-cv-02266-SCR

16 Plaintiff,

17 v.
18 STIPULATION FOR THE AWARD AND
19 PAYMENT OF ATTORNEY FEES AND
20 EXPENSES PURSUANT TO THE EQUAL
21 ACCESS TO JUSTICE ACT; [PROPOSED]
22 ORDER
23

24 CAROLYN COLVIN, Acting
25 Commissioner of Social Security,
26

27 Defendant.
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29 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
30 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
31 of \$6,600.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under
32 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of
33 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d),
34 1920.
35

36 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
37 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
38 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
39 whether the fees are subject to any offset allowed under the United States Department of the
40 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
41 whether they are subject to any offset.
42
43

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
3 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment
4 executed by Plaintiff.

5 Payments may be made by electronic fund transfer (EFT) or by check.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
7 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or
8 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
9 and all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco
10 Benavides, may have relating to EAJA attorney fees in connection with this action.

11 This award is without prejudice to the rights of Francesco Benavides to seek Social Security
12 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

13
14 Respectfully submitted,

15
16 Dated: December 18, 2024 Law Offices of Francesco Benavides

17 By: /s/ Francesco Benavides
18 FRANCESCO P. BENAVIDES
19 Attorney for Plaintiff

20 Dated: December 18, 2024 PHILLIP A. TALBERT
21 United States Attorney
22 MATHEW W. PILE
Associate General Counsel
Social Security Administration

23 By: Mary Tsai*
24 MARY TSAI
25 Special Assistant U.S. Attorney
26 Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on December 18, 2024).
27
28

[PROPOSED] ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$6,600.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

DATE: January 2, 2025

HON. SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE